

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/023, 416 02/13/98 OHMI

T 980150

QM02/0901

EXAMINER

ARMSTRONG WESTERMAN HATTORI  
MCLELAND & NAUGHTON  
SUITE 1000  
1725 K STREET N W  
WASHINGTON DC 20006

BASTIANELLI, J

ART UNIT

PAPER NUMBER

3753

DATE MAILED:

09/01/99

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/023,416</b>	Applicant(s) <b>Ohmi et al.</b>
	Examiner <b>John Bastianelli</b>	Group Art Unit <b>3753</b>

Responsive to communication(s) filed on May 14, 1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-6 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-6 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on Feb 13, 1998 is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 9

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3753

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the 3-3 type on-off device 94 must be shown in Fig. 1 or the feature(s) canceled from the claim(s). In the top, right portion of Fig. 1, it appears that on-off valve 81 should be on-off valve 82 which would make the device a 3-3 type on-off device 94 instead of 2-3 device 92 which there are already two 92's in Fig. 1. No new matter should be entered. No drawing copy has been received.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: In line 15, should "subpoenaing" be "subopening"? Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The new claim limitation added to claim 1, lines 16-18, is not understood. Are the valve mounts the entire block to which the valves are attached? Do the valve main bodies include

Art Unit: 3753

the joint members or is it the valve mounts which include the joint members? Are the joint members discrete elements or simply arbitrary regions of a unitary valve mount? The wording of the claim is not understood.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art supplied by the applicant in view of DuRoss et al. and further in view of Brzezicki et al. The applicant's prior art (Figs. 8 and 9) discloses a similar fluid control apparatus which comprises a plurality of fluid controllers which use adjacent 2-port valves connected to each other with tubing to control the fluid flow. The applicant's prior art lacks using 3-port valves and valve mounts with internal passages which does not use tubing. The prior art illustrated in Figs. 1 and 2 of DuRoss teaches the equivalence of using a 3-port valve in place of a 2-port valve (col. 2, lines 12-23) to eliminate dead-legs (col. 1, lines 39-42) of chemical delivery in manifolds. In Fig. 2, a 3-port valve 20' is used in place of 2-port valve 20 in Fig. 1 to eliminate dead-legs. DuRoss also discloses an inlet always in communication with an outlet with an inlet-outlet subopening (Fig 8B). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to use a 3-port valve in place of any 2-port valve in any fluid circuit, as desired, in order

Art Unit: 3753

to eliminate dead-legs as taught by DuRoss. Brzezicki discloses fluid controllers C mounted on blocks B with internal passageways (Fig 8) which does not use tubing. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to use the valve blocks with internal passageways of Brzezicki in place of the tubing of the prior art tubing in order to reduce the size of the apparatus as taught by Brzezicki (col 1, lines 24-41).

*Response to Arguments*

Applicant's arguments filed May 14, 1999 have been fully considered but they are not persuasive. Applicant's newly added claim limitation regarding the valve mounts and internal passageways for fluidly connecting valves is seen to be met by the addition of the Brzezicki reference to the previous rejection.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 3753

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beckett, Markulec, and Itafuji disclose valve mounts with internal passageways.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Bastianelli whose telephone number is (703) 305-0058.

JB

August 27, 1999



STEPHEN M. HEPPERLE  
PRIMARY EXAMINER  
ART UNIT 347 3753